

BEFORE THE  
DIVISION OF MEDICAL QUALITY  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Petition )  
for Termination of Probation of: )  
LAWRENCE E. PERMEN, M.D. )  
1100 N. Venture Road, Suite 101 )  
Oxnard, California 93030 )  
Physician's and Surgeon's )  
Certificate No. C-27101 )  
Petitioner. )  
\_\_\_\_\_ )

OAH No. N-1998010031

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Medical Board of California as its Decision in the above-entitled matter.

This Decision shall become effective on April 15, 1998.

IT IS SO ORDERED March 16, 1998.



CAROLE HURVITZ, M.D., CHAIR  
PANEL B  
DIVISION OF MEDICAL QUALITY

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Petitioner.	)	
_____	)	

PROPOSED DECISION

On January 14, 1998, in Sacramento, California, Catherine B. Frink, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Mara Faust, Deputy Attorney General, appeared pursuant to Business and Professions Code section 2307.

Petitioner Lawrence E. Permen, M.D. was present and represented himself.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

The Medical Board of California ("the Board"), issued Physician's and Surgeon's Certificate No. C-27101 to Lawrence E. Permen, M.D. ("petitioner") on May 24, 1965.

## II

Effective June 24, 1994, the Board revoked petitioner's license pursuant to a stipulation of the parties signed by petitioner on January 18, 1994, in which petitioner admitted that he engaged in unprofessional conduct pursuant to Business and Professions Code sections 725, 2220, 2227, 2234, 2238, 2241 and 2242(a), and Health and Safety Code section 11153, in that petitioner excessively prescribed controlled substances and dangerous drugs to patient L.M. and to petitioner's wife, R.P.; he prescribed controlled substances and dangerous drugs to L.M. and R.P. without medical indication or good faith medical examination; he failed to maintain medical records reflecting a valid medical purpose or medical indication for prescribing controlled substances and dangerous drugs to L.M. and R.P.; he administered prescriptions to L.M. and R.P. without maintaining a detailed treatment plan for these patients; he issued prescriptions to L.M. and R.P. without a legitimate medical purpose; he engaged in gross negligence, incompetence and repeated negligent acts as a result of his prescribing practices; and he prescribed dangerous drugs or controlled substances to an addict, namely, L.M.

The revocation was stayed, and petitioner was placed on probation for five years, with terms and conditions, including a requirement that petitioner maintain a record of all controlled substances prescribed, dispensed or administered by him during probation; complete 40 hours per year of education courses in addition to the required Continuing Medical Education requirements for relicensure for each year of probation; take and successfully complete a course in ethics within the first year of probation; and pay costs of \$2,000. In addition, petitioner was required to have a monitored practice; he was prohibited from practicing medicine, including prescribing, administering, dispensing or ordering any controlled substances or dangerous drugs, to himself, L.M., R.P., or any member of his or his wife's family; and he was ordered to comply with the standard terms of probation.

Petitioner's probation is scheduled to expire on June 24, 1999.

## III

Petitioner is requesting that the Board terminate his probation at this time. Petitioner has not previously applied for modification or termination of probation.

## IV

Petitioner has complied with all of the terms and conditions of his probation. Petitioner has maintained a log of

all prescriptions of dangerous drugs, including date, name of patient, name and strength of drugs, number prescribed, and medical condition necessitating the use of the medication. Petitioner's log has been reviewed periodically by his Board probation monitor. Petitioner's practice monitor, Dr. Ross DiBernardo, also reviews petitioner's drug log, as well as other aspects of his practice, and has provided quarterly reports as required. Respondent completed the course in medical ethics on March 18, 1995. Petitioner has attended additional Continuing Medical Education ("CME") courses approved by his Board probation monitors, including pharmacology. Petitioner completed a total of 117 hours of CME in 1995; 94 hours of CME in 1996; and 86 hours of CME in 1997, for a total of 297 hours. Petitioner paid \$2,000 in full satisfaction of cost recovery on November 30, 1996.

## V

Petitioner is a board-certified internist who has been in practice for 29 years. Petitioner is in solo private practice in Oxnard, California. After he was placed on probation, petitioner was cancelled as a preferred provider by insurance companies, HMOs and PPOs, and he experienced financial problems which caused him to file for Chapter 13 bankruptcy in June 1997. Petitioner is currently making payments of \$685 per month for three years starting in or about October 1997, to pay off creditors. Petitioner was reinstated as a provider for Aetna Health Plans of California, Inc. in 1996.

If his petition for termination of probation is granted, petitioner intends to continue in private practice.

Petitioner feels that the requirements of his probation pertaining to drug records has improved his record keeping and "tightened up" his practice. He is now more aware of the frequency of prescriptions and amounts prescribed as part of his practice. Petitioner expressed "relief" at not having to prescribe medication to his wife, who suffered for years from chronic knee pain, and who recently had surgery to resolve her knee problems.

## VI

Petitioner has demonstrated that he would not be a danger to the public if he were to engage in practice without probationary conditions.

It would not be contrary to the public interest to terminate petitioner's probation at this time.

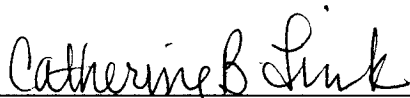
DETERMINATION OF ISSUES

Petitioner has established that good cause exists for the termination of his probation.

ORDER

The petition for early termination of probation of Lawrence E. Permen, M.D. is granted.

Dated: February 11, 1998

  
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CATHERINE B. FRINK  
Administrative Law Judge  
Office of Administrative Hearings